REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-44 were pending and rejected. In this response, no claim has been canceled. Claims 1-4, 8, 10, 12-26, 30, 32, and 34-44 have been amended. No new matter has been added. It is respectfully submitted that the support for the amended claims can be found throughout the specification of the present application.

Claims 3, 15, 25, and 37 were objected because of informalities. In view of the foregoing amendments, it is respectfully submitted that the objections have been overcomed.

Claims 1-44 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,893,116 of Simmonds et al. ("Simmonds"). In view of the foregoing amendments, it is respectfully submitted that claims 1-44 include limitations that are not disclosed by Simmonds. Specifically, independent claim 1 as amended recites as follows:

1. A method comprising:
   receiving a new policy tree at a network element in a network, wherein the
      network element stores a current policy tree of classes for quality of
      service (QoS) of packets being processed by the network element,
      and wherein the classes of the current policy tree and the classes of
      the new policy tree include leaf classes and non-leaf classes;
   comparing the classes of the current policy tree with the classes of the new
      policy tree, including
      for the current policy tree and the new policy tree, merging, into a
         set of classification rules of the leaf classes, classification
         rules of non-leaf classes that are parents of the leaf classes,
      identifying a leaf class in the current policy tree as identical to a leaf
         class in the new policy tree upon determining that the set of
         classification rules of the leaf class in the current policy tree
         is equal to the set of classification rules of the leaf class in
         the new policy tree,
      identifying a non-leaf class in the current policy tree as identical to
         a non-leaf class in the new policy tree upon determining that
         the non-leaf class in the current policy tree and the non-leaf
         class in the new policy tree share a greatest number of
         equivalent descendant leaf classes, and
      marking the classes of the current policy tree and the new policy
         tree as added, deleted, modified or unchanged based on the

> identifying of the identical leaf and non-leaf classes in the
> current policy tree and new policy tree; and
> selectively deleting classes of the current policy tree based on the
> comparison of the classes.

In order to anticipate a claim, each and every limitations of the claim must be taught by the cited reference. It is respectfully submitted that Simmonds fails to disclose each and every limitations of the independent claim 1 as amended set forth above. Therefore, it is respectfully submitted that independent claim 1 is not anticipated by Simmonds.

Similarly, independent claims 23 and 44 include limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, independent claims 23 and 44 are not anticipated by Simmonds.

Given that the rest of the claims depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are not anticipated by Simmonds. Withdrawal of the rejections is respectfully requested.

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PAGE 27/28 * RCVD AT 4/7/2005 11:49:16 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:408 720 9397 * DURATION (mm-ss):07-42
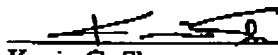
In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: April 7, 2005

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